

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 36382 of 2007(F)

PETITIONERS:

- 1. AMMED M.C.,
JUNIOR HEALTH INSPECTOR GR.II,
P.H.C.PERUVA, P.O.PERUVA,
VIA. KUTHUPARAMBA, KANNUR DIST.
PIN - 686 610.**
- 2. RADHAKRISHNAN K.P.,
JUNIOR HEALTH INSPECTOR GR.II
P.H.C. VAZHAKULAM, ERNAKULAM DIST.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH & FAMILY WELFARE
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.**
- 3. THE DISTRICT MEDICAL OFFICER,
HEALTH, KANNUR.**
- 4. THE DISTRICT MEDICAL OFFICER,
HEALTH, ERNAKULAM.**

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

V.GIRI, J.

W.P.(C). NO. 36382 OF 2007

Dated this the 10th day of December, 2007

J U D G M E N T

Petitioners who were initially working as Last Grade Servants in the Health Services Department aspire for promotion with effect from an earlier date. The special rules in relation to the post of Junior Health Inspector Gr.II is contained in Ext.P1. The claim made by the petitioners and similarly situated persons was that notwithstanding the existence of sufficient number of vacancies in Junior Health Inspector Gr.II, the Department is not filling up such vacancies as per the special rules but are engaging provisional hands. This contention was accepted by this Court in the judgment in O.P.No.13442/03 and connected cases. Finding that there were sufficient number of vacancies for Junior Health Inspector Gr.II, this court directed the respondents to fill up the vacancies by promotion.

2. Pursuant thereto, petitioners and similarly situated persons were actually promoted. Petitioners now contend that they were actually entitled to be promoted with reference to the date of occurrence of vacancy. But they were not promoted and instead the respondents filled up those vacancies by provisional hands. According to them, therefore they have not been assigned the due date of seniority in the cadre of Junior Health Inspector Gr.II. These claims are raised before the Government by means

of objections, which could be treated as objections under Rule 27B of Part II KS&SSR.

3. After having heard learned counsel for the petitioners and the learned Government Pleader, I dispose of this writ petition directing the 1st respondent to look into Exts.P5 and P6 and Exts.P7 to P9 and take a decision thereon within a period of two months from the date of receipt of a copy of this judgment, keeping in mind Ext.P3 and the date of occurrence of the vacancy and any specific contention that vacancies were actually filled by provisional hands when there were adequate number of qualified persons in the feeder category. The 2nd respondent shall keep in mind the observations made in O.P. No.13442/03 as well, while taking a decision as aforementioned.

V.GIRI, JUDGE

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